

Guidebook Planning Session Notes

2/24/04

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Proposed Guidebook Topics:

- A. State Tire Fund Management
- B. Enforcement Tactics
- C. Planning and Management (mapping, inventory)
- D. Estimation Techniques / Capacity Assessment
- E. Property Issues (liens, warrants, access)
- F. Bidding & Award Process
- G. Evaluating Contractor Qualifications
- H. Bonding & Insurance
- I. Approach (staging, equipment, transportation)
- J. Security and Safety (site, workers, public)
- K. Fire Planning, Prevention
- L. Monitoring (air, soil, groundwater)
- M. Markets & disposition
- N. Site Restoration (soil, groundwater)
- O. Communication (community, media, political)
- P. Legal Considerations
- Q. Forensic accounting & Cost Recovery

Discussion Notes:

(Correlated with list above)

H. Bonding and Insurance

- justification and what is reasonable for a site (25-100%).
- Explain what is trying to be protected by performance bonds. Use as an avenue to prevent bad workers
- States mostly want to save face, protect themselves
- Financial assurance
- Insurance is not an issue – you have to have auto/accident insurance, etc
- 100% bond on a \$3m job is not reasonable
- IN does not require any performance bonds
- \$25k is reasonable
- Bonding companies look at financials and that is all
- Language in the bond needs to be updated
- Many bonds are not enforceable, language is not good

- Ohio Dept. of Admin. Services does all contracting and they do not understand tires. Required 100% performance bond because it was considered a construction project
- Release date for bond is important (at 50% completion) – helps for bidding on next job
- Require a bottom end amount or 25% of job cost
- Letter of credit or money in escrow
- Bid bond vs. performance bonds (companies start w/ bid and roll over into performance)

F. Bidding and Award Process

- Task contracts – 2-3 contracts open to do work and pre-qualified with cost competition
- FL, IL, IN already do it this way
- MO has a once a year regional bid, with pre-qualified contractors with set costs/tire (Dan Fester)
- PA, MI, NE, ID, SC, FL grants to local govts to clean up sites and reimburse owners – include example contracts and grant language
- Tough for contractors to bid on jobs in other states that do it this way as the information is not available
- MI wants to use Michigan processors
- Summary of how states deal with small sites FL, IN, IL, MO (handle sites similarly but using different mechanisms) recognize the different states but do not incorporate all schemes
- Amnesty day projects contracts and language

G. Evaluating Contractor Qualifications

- CA hires a prime contractor and then he goes and gets bids from processors, state is not involved in individual bidding. Adds 30% to the cost of the cleanups
- How do states evaluate cleanup process, is it specified. OH paints a broad picture of approach and lets contractor specify details. MI specifies parameters (clear property lines, fences, buildings, etc. IL is onsite at least 50% of the time to direct work
- Incorporate Liberty, TRI-Rinse, TAG checklists that go into planning the cleanup
- TRI sees a lot of information in bids. Mandatory walk-throughs are a good approach. Questions can be asked and answered in the presence of everyone
- IL gets a pool of contractors to select from for a period of 3 years. FL bid sites that were in certain area. Access is difficult at multiple sites at one time. WA bid 6-7 large, spread out sites at one time (2 mo process to walk thru sites)
- MO bid once a year – 2-5 large sites identified and ready to go. Would not list priority, A vendor has right of first refusal.

A Tire Fund Management

B Enforcement Tactics

- Sites still in litigation in MI are not eligible for clean up grants
- OH allows director to issue abatement orders, release RFP on 121st day
- Get access

- Abatement order (by Director in OH, 'notice' in IL by director) requires clean up and certain progress every so many days. Goes in front of judge, w/ information that the state tried to get the owner to clean up site
- Removal schedule is established in the notice
- Judicial order difficult and rare
- Civil process to remove licenses and permits. Get IL and OH enabling legislation and process chart can be provided
- NYS recent legislation clause for AG to issue a writ to gain access to any site necessary
- Model state permitting to prevent piles from growing to begin with
- Links to state programs that are models

D. Estimation Techniques

- Audit of incoming receipts and manifests
- Some states track loads of tires moving in and out of site. Annual report required. IL only storage sites w > 500 tires at any time during the year

J. Site Security and Safety

- Craig D - Get in and out as quickly as possible. Doing it by hand is too much liability, workers comp, etc for bad backs, etc. Equipment is taken off site each day.
- Mark – state needs to indemnify contractor for fires, etc on site
- Health and safety on employees trained. After hours is a challenge

K. Fire safety and prevention

- RMA presentation to contractors at a clean up site
- OH contractor requirement of a fire plan and provided a copy to the local FD and LEPC. Contract kick-off meeting to give briefing on beginning of work so everyone is aware of what is going to happen when
- IL permit sites need to have a plan if store >500 tires. Site > 10,000 will contact local authorities so they are aware of the situation
- RMA tire fire seminars of value

L. Monitoring

- Mosquitoes, larvicide
- Water in tires runoff from onsite shredding activities. Build silt basins to prevent runoff to local streams
- Airborne dust during shredding operations, sometimes use water during processing
- Definitional issue of runoff vs. process water

M. Markets and Disposition

- Whole tires from cleanups to TDF and cement kilns
- Fuel and civil engineering
- Do not flood a market or displace generation, must be clear about objective
- Landfilling needs to be a viable option for piles
- Partially burned tires are a problem

N. Site restoration

- Want to leave sites in a better condition than when you found it
- Rough grade and seeding required in OH and must come back to site to make sure erosion control is maintained
- 2" rake hoe on the back of a tractor to finish site
- auto salvage yard piles – trying to get owners to address piles – OH. IL tries to get property owners to access and remove piles. Will issue an administrative notice on them to get it taken care of
- Michigan allows up to 5 tires to go in with cars to crusher

O. Communication

- IL notifies nearby entities by phone of cleanup activities
- OH hold contract meeting to let everyone know of activities, let folks take credit
- Notify Mayor of city with high profile site that clean up is underway to avoid call to director
- Internal communication is included in the statement of work
- Contractor must have a contact person listed

Q. Cost Recovery

- AG usually has cost recovery group (OH) and seeks judgment in court. Establish case law from the beginning for future cases
- Can get pieces of property that can be turned over to city or county for park
- IL – Cost recovery handled by states attorney. Required by law to pursue cost recovery but not successfully get it
- Specific provisions for punitive damages and can recover 3x cost of the cleanup
- OH can collect civil penalties as well
- In kind contributions to the project by the site owner